

## **04-1352 OPERATION RESCUE V. NATIONAL ORGANIZATION FOR WOMEN**

DECISION BELOW: UNPUBLISHED

### QUESTIONS PRESENTED

1. Does the Seventh Circuit's defiance of this Court's mandate merit summary reversal?
2. Did the Seventh Circuit err by ruling, in conflict with the Ninth Circuit, and in conflict with the official position of the Department of Justice, that private civil litigants may obtain injunctive relief under the federal Racketeer Influenced and Corrupt Organizations (RICO) statute?
3. Did the Seventh Circuit err by ruling, in conflict with the Sixth and Ninth Circuits, and in conflict with the official position of the Department of Justice, that the federal Hobbs Act, 18 U.S.C. § 1951, may plausibly be construed to prohibit, without any connection to robbery or extortion, any act or threat of "physical violence to any person or property" that "in any way or degree. .. affects commerce"?

Cert. Granted 6/28/05

Consolidated with 04-1244. One hour allotted for oral argument.

## **04-1244 SCHEIDLER, ET AL. V. NATIONAL ORGANIZATION FOR WOMEN**

DECISION BELOW: UNPUBLISHED

### QUESTIONS PRESENTED

1. Whether the Seventh Circuit, on remand, disregarded this Court's mandate by holding that "all" of the predicate acts supporting the jury's finding of a RICO violation were *not* reversed, that the "judgment that petitioners violated RICO" was *not* necessarily reversed, and that the "injunction issued by the District Court" might *not* need to be vacated.
2. Whether the Seventh Circuit correctly held, in conflict with decisions of the Sixth and Ninth Circuits, that the Hobbs Act, 18 U.S.C. § 1951(a), can be read to punish acts or threats of physical violence against "any person or property" in a manner that "in any way or degree \* \* \* affects commerce," even if such acts or threats of violence are wholly unconnected to either extortion or robbery.
3. Whether this Court should again grant certiorari to resolve the deep and important intercircuit conflict over whether injunctive relief is available in a private civil action for treble damages brought under RICO, 18 U.S.C. § 1964(c).